

**MARION BOARD OF SELECTMEN  
WATER/SEWER COMMISSIONERS**

**November 18, 2008**

**Minutes**

The meeting was called to order at 7:00 p.m. Present were Chairman Jonathan F. Henry, Board members Roger F. Blanchette and Stephen M. Cushing and Town Administrator Paul F. Dawson. Also present were Lee Craver, Kenneth J. Souza of *The Wanderer*, Andrea Smith of the *Tri-Town Observer*, Ruth Thompson of *The Sentinel*, Emergency Medical Services Director Jeffrey Habicht and representatives of the EMS W. Dale Jones, Charles Brown, Nicole DeBlois, Everett F. Eaton, Joan C. Wing, Jacqueline J. Weiman, Jodi L. Richards-Auld, Anita Waagen, Andrea Smith and Andrea Keene, Police Chief Lincoln W. Miller and candidate for full-time officer Kevin E. Paulson, Assessor Ray E. Pickles, interested parties in The Wave Restaurant—partners Todd Zell and Steven Nye, manager Robb DeSimone, attorney Stewart Grimes, others who may not have signed in and Helene Craver, secretary.

The Board met with members of the Emergency Medical Services to accept a new ambulance which was donated to the Town through subscription sponsored by VFW Post #2425. Mr. Habicht reported that the ambulance had been delivered last Thursday and is being outfitted, with expected readiness for service next week. Mr. Habicht thanked the VFW Post #2425 and Dale Jones for all the hard work which went into the acquisition of the ambulance. Mr. Habicht noted that \$162,000 was raised and the ambulance cost just under \$150,000, with radios still to be installed. Mr. Jones explained that the present back-up ambulance will be given to the Fire Department for use as a squad unit. Mr. Henry thanked the VFW Post #2425 and Emergency Medical Services members for a successful campaign.

**Mr. Blanchette moved** to accept the ambulance on behalf of the Town; the motion was seconded and carried unanimously.

The Board then met with Mr. Pickles regarding the classification hearing. Mr. Pickles thanked the Board and requested a continuance of the hearing until December 2, as the Department of Revenue requires a preliminary assessment before the classification can be determined. Mr. Blanchette asked if the Finance Committee has been invited to look into the factor of one, to see if a change might be worthwhile. Mr. Pickles said that he was not aware that they have. Mr. Blanchette said that it would be wise to see if they should consider commercial and non-commercial tax rates. Mr. Pickles said that they would invite the Finance Committee to the next Assessors' meeting next week, but the Assessors have looked at this situation carefully—changing the assessment from a factor of one does very little to relieve the residents' tax burden and severely impacts the small businessman. Mr. Blanchette said that he read a newspaper article today about Dartmouth, which has a large separation between their residential and commercial rates, with provision for the small businesses to request an abatement. Mr. Pickles said that he didn't think there was time this year to research a change, but it could be looked into for the future. Mr. Pickles informed the Board that, in any event, commercial property will be increased 5% in value this year.

**Mr. Cushing moved** to grant a continuance of the classification hearing to December 2, 2006 at 6:00 p.m. at the Music Hall; the motion was seconded and carried unanimously.

The Board then met with Chief Miller, who introduced Mr. Paulson, a Special Police Officer with the Marion Police Department for the last twelve years and requested that Mr. Paulson be appointed as a full-time police officer.

**Mr. Blanchette moved** to accept Chief Miller's recommendation that Kevin Paulson be appointed a full-time police officer with the Marion Police Department; the motion was seconded and carried unanimously.

**Mr. Cushing moved** to approve the minutes of November 4, 2008; the motion was seconded and carried unanimously.

The Board then convened the public hearing for change of manager for The Wave Restaurant. Mr. Zell introduced Mr. DeSimone, the proposed new manager, and outlined his qualifications. Mr. DeSimone listed his background and experience in the hospitality business, which dates back to 1972. Mr. Blanchette asked the status of Bradford Silva's involvement in The Wave. Mr. Zell said that he is still an owner, but not involved in the restaurant's operation at this time. Mr. Zell asked if it was necessary for the restaurant's owners to notify the Board when shares are bought or sold. Mr. Grimes said that he didn't believe that was required. Mr. Henry asked who the major shareholders were at this time. Mr. Zell listed 40% by himself, 40% by Mr. Silva and 20% by Mr. Nye. Chief Miller said that he has no comment on the change of manager.

**Mr. Cushing moved** to accept the change of manager position, as outlined in the request; the motion was seconded and carried unanimously.

**Mr. Blanchette moved** the 1984 Ford Econoline van, VIN #1FDKE30L7EHA83727, surplus equipment; the motion was seconded and carried unanimously.

Mr. Dawson reported that the Town has been diligent in determining whether back taxes were owed and safety concerns addressed on all the alcohol license renewal applications presented to the Board for signature. Mr. Cushing listed the licenses to be renewed.

**Mr. Blanchette moved** to approve the license renewal applications; the motion was seconded and carried unanimously.

Mr. Dawson presented the owner's project manager contract for the police station, Pomroy Associates, consisting of \$150,000, which will provide a full-time clerk-of-the-works services, as well as owner's project manager services.

**Mr. Blanchette moved** to approve Pomroy Associates as owner's project manager of the police station contract; the motion was seconded and carried unanimously.

Messrs. Cushing and Dawson and Chief Miller all expressed their pleasure with Pomroy Associates and its experience and knowledge.

**Mr. Blanchette moved** one-day, special alcohol licenses for the Selectmen at the Music Hall on December 2 and the Beverly Yacht Club at the Music Hall on December 6, 2008; the motion was seconded and carried unanimously.

Mr. Dawson reported on ongoing issues with D. W. White, the contractor on the sewer expansion project from several years ago and the problems encountered with the sewage distribution system in the Arrowhead Lane area. Mr. Dawson reminded the Board that he had been authorized to proceed with Town Counsel to protect the Town's interest and a letter proposing a settlement for \$13,255 was the result. Mr. Dawson noted that the claim is for \$27,782 and the Town contends that an improper connection was made at installation, so this offer is unacceptable. Mr. Dawson said that the Board could choose to settle for the proposed amount; his recommendation, however, is to decline the proposal and proceed with legal steps, including litigation. Mr. Henry pointed out that the resident engineer on the job was equally at fault, along with the contractor, and should be equally culpable.

**Mr. Blanchette moved** to reject the D. H. White offer out of hand and to instruct Town Counsel to pursue the supervisor, as well as the installer; the motion was seconded and carried unanimously.

Mr. Dawson announced that the annual Selectmen's holiday party would be held on December 2 and that invitations had been sent out. Mr. Blanchette noted that he will be out of the country on that date.

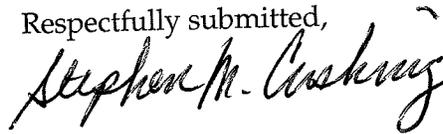
**Mr. Cushing moved** the suggested holiday schedule (closed at noon November 26, closed on November 27 and 28; closed at noon December 24, closed December 25 and January 1) as recommended by the Town Administrator; the motion was seconded and carried unanimously.

Mr. Henry explained that he has been asked to host a Plymouth County Selectmen's Association meeting in December and determined that there were two dates in December acceptable to the Board.

Mr. Blanchette raised the question of grants and the fact that Marion doesn't seem to receive any. Mr. Blanchette asked if they might seek someone who could write grant requests for the Town. Mr. Dawson noted that Marion has received several grants through the Council on Aging, schools and public safety. Mr. Dawson explained that a talented grant writer could be self supporting and provide various opportunities for the Town, but grant writing is time consuming and specialized. It was agreed that this would be explored at the Tri-Town Selectmen's meeting on December 11.

**Mr. Cushing moved** to adjourn at 8:17 p.m.; the motion was seconded and carried unanimously.

Respectfully submitted,



Stephen M. Cushing, Clerk

Date signed: 12/2/08